

respectively. Three Americans stood atop the podium, and Americans watching everywhere cheered them on.

On behalf of all Vermonters, and all Americans, Ross, congratulations, good luck, and thank you for giving your best yesterday in Utah.

MESSAGE FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1748. An act to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building."

H.R. 2577. An act to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building."

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 313. Concurrent resolution expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002.

H. Con. Res. 324. Concurrent resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

H. Con. Res. 325. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 326. Concurrent resolution commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2998) to authorize the establishment of Radio Free Afghanistan.

The message also announced that pursuant to section 2(b) of Public Law 103-419, the Speaker reappoints on the part of the House of Representatives Dr. Abigail N. Thernstrom of Lexington, Massachusetts, to the Commission on Civil Rights for a 6-year term beginning on February 12, 2002.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1748. An act to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2577. An act to designate the facility of the United States Postal Service located

at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 313. Concurrent resolution expressing the sense of Congress regarding the crash of Transporte Aereo Militar Ecuatoriano (TAME) Flight 120 on January 28, 2002; to the Committee on Foreign Relations.

H. Con. Res. 326. Concurrent resolution commending the National Highway Traffic Safety Administration for their efforts to remind parents and care givers to use child safety seats and seat belts when transporting children in vehicles and for sponsoring National Child Passenger Safety Week; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1857. A bill to Encourage the Negotiated Settlement of Tribal Claims.

By Mr. CONRAD, from the Committee on the Budget, unfavorably, without amendment:

S.J. Res. 31: A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Environment and Public Works pursuant to the unanimous consent agreement of February 13, 2002:

ENVIRONMENTAL PROTECTION AGENCY

Linda Morrison Combs, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

Morris X. Winn, of Texas, to be an Assistant Administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. DURBIN):

S. 1937. A bill to set forth certain requirements for trials and sentencing by military commissions, and for other purposes; to the Committee on Armed Services.

By Mr. GRAHAM (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 1938. A bill to amend the Consolidated Farm and Rural Development Act to establish a grant program to train farm workers in new agricultural technologies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Mr. BENNETT, Mr. HATCH, and Mr. ENSIGN):

S. 1939. A bill to establish the Great Basin National Heritage Area, Nevada and Utah; to

the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. FITZGERALD, Mr. DURBIN, and Mr. DAYTON):

S. 1940. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. DURBIN):

S. 1941. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. DAYTON, and Mr. JOHNSON):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to promote the production of biodiesel, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 1943. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1944. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. BREAUX, Mr. LEVIN, Mr. LUGAR, Mr. DOMENICI, and Mrs. HUTCHISON):

S. Res. 208. A resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. SANTORUM, Mr. BROWNBACK, Mr. DEWINE, and Mr. ENSIGN):

S. Res. 209. A resolution to express the sense of the Senate regarding prenatal care for women and children; to the Committee on Finance.

By Mr. DASCHLE:

S. Con. Res. 97. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 659

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 659, a bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis.

S. 829

At the request of Mr. BROWNBAC, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 1379

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Kansas (Mr. BROWNBAC) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1839

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th an-

niversary of Korean immigration to the United States.

S. RES. 204

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 204, a resolution expressing the sense of the Senate regarding the importance of United States foreign assistance programs as a diplomatic tool for fighting global terrorism and promoting United States security interests.

AMENDMENT NO. 2842

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2842 proposed to S. 1731, an original bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

AMENDMENT NO. 2850

At the request of Mr. COCHRAN, his name was added as a cosponsor of amendment No. 2850.

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of amendment No. 2850 supra.

AMENDMENT NO. 2851

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 2851.

AMENDMENT NO. 2852

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2852.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2852 supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. DURBIN):

S. 1937. A bill to set forth certain requirements for trials and sentencing by military commissions, and for other purposes; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I have sought recognition to introduce, on behalf of Senator DURBIN and myself, legislation entitled the "Military Commission Procedures Act of 2002."

The President issued an order establishing generalized procedures for trying members of al-Qaida and the Taliban. It is my view and Senator DURBIN's view that Congress ought to consider what are the appropriate procedures pursuant to our authority under the Constitution, article I, section 8, which gives to the Congress the responsibility and authority "To define and punish . . . Offenses against the Law of Nations."

We have already legislated in part, delegating to the President the authority to establish military tribunals "by regulations which shall, so far as he

considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts, but which may not be contrary to or inconsistent with this chapter."

The President promulgated his order without consultation with Congress. This legislation is a starting point for what we believe ought to be consideration by the Judiciary Committee.

In the President's order, there was a provision that there could be no appeal from any order of the military tribunal. But that, on its face, was inconsistent with the Constitution, which preserves the right of habeas corpus unless there is rebellion or invasion, neither of which had occurred here.

The President's order also allowed for conviction of a capital offense by a two-thirds vote, but that is inconsistent with the Uniform Code of Military Justice, and the law does not allow a regulation to be inconsistent with that law.

So Senator DURBIN and I have provided the modifications that two-thirds is acceptable generally. But if the sentence carries 10 years or more, it requires a three-fourths vote. And for the death penalty, it would require a unanimous vote.

This legislation further provides for right to counsel consistent with the Uniform Code of Military Justice, which would be either military counsel or could be private counsel. But that right is preserved.

On one provision, we have provided that there would be no "Miranda" rights for suspects who are interrogated. I candidly concede that in abrogating "Miranda" rights, that will be a source of some contention, which can be the subject of hearings. But it is our view that we should not give al-Qaida or Taliban prisoners access to counsel before they are questioned, first, for the safety of the soldiers who are doing the questioning, and, second, because of the importance, potentially, that eliciting information would stop further terrorist attacks.

Of course, we could provide no "Miranda" warnings in advance but not allow admissions to be used at trial, but it is our view, subject to hearings and further consideration, that "Miranda" rights ought not to be required.

We have provided for an open trial unless there is classified information; and, if classified information is used, we have incorporated the provisions of the Anti-Terrorism Act of 1996—a compromise worked out by Senator Simon and myself on the floor—which provides for a summary to be given to the defendant and the commission, to be reviewed by the commission, to see if it is adequate to protect sources and methods of classified information and also adequate to inform the defendant of the evidence so that the defendant would have substantially the same ability to make his defense as he would if the classified information was disclosed.